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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,968	10/26/2000	David Cheriton	CISCP551	6471
26541	7590	04/27/2005	EXAMINER	
RITTER, LANG & KAPLAN P.O. BOX 2448 SARATOGA, CA 95070			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 04/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/698,968	CHERITON, DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey C. Pwu	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 2/7/2005 Amendment/RCE.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20,22-24,26 and 29-44 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20,22-24,26 and 29-44 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20, 22-24, 26, and 29-44 are rejected under 35 U.S.C. 102(e) as being unpatentable over Yavatkar et al. (U.S. 6,735,702).

Yavatkar et al. method and apparatus for propagating filters to an upstream device comprising:

- generating and installing a filter at a first network device; (Nodes 30, 36, 44, 46, 48, 50 and 54)
- sending information on said filter to a second network device located upstream from said first network device; (48)
- requesting said second network device to install a filter so that data is filtered closer to a source of said data; (col.7, line 42-45; "Node 48 is a gateway, providing network 4 access to other networks, such as the Internet, and acting as a firewall. Link 84 transmits data between node 48 and other networks.")
- sending routing information from said first network device to said second network device so that the filter installed on said second network device filters traffic forwarded

to said first network device without filtering traffic to other downstream nodes; ( col.7, lines 28-col. 8, line 10, "Node 48 is a gateway, providing network 4 access to other networks, such as the Internet, and acting as a firewall. Link 84 transmits data between node 48 and other networks. Nodes 30, 44, 46 and 48 are routers, accepting traffic and routing the traffic to destinations, or to other nodes which then forward the traffic to destinations. Nodes 32, 34, 38, 40, 42, 50, 52, 54, and 56 are PCs, supporting applications and providing functionality to users, such as word processing functionality. Node 36 is a file server, storing files and allowing other nodes access to the files; node 36 has some routing capability. Nodes 30 and 44 support management console applications. Management console application 9, supported by node 30, is depicted in FIG. 1; for the sake of clarity the management console application on node 44 is not depicted. While nodes having certain definitions and functions are depicted, the nodes of network 4 may be any devices, for example, workstations.")

- analyzing new data received from said second network device at said first network device and sending filter information to said second network device based on the analyzed data so that said second network device can refine the filter installed thereon.

(col.15, lines 17-col.16, line 45)

- wherein generating a filter at a first network device comprises automatically generating said filter based on network flow entering the device. (col.15, line 18-col.16, line 45)

- receiving information based on monitored network flow and removing said filter from the first network device when the network flow requiring said filter is no longer present.

(col.15, line 18-col.16, line 45)

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•refining said filter at said first network device based on said monitored network flow.

(col.16, line 50-col.17, line 30)

•requesting the upstream network device to refine said filter. (col.16, line 50-col.17, line 30)

•wherein generating a filter comprises detecting potentially harmful network flows and generating a filter to prevent packets corresponding to said detected potentially harmful network flows from passing through said second network device. (col.15, line 18-col.16, line 45)

•wherein generating filters further comprises classifying network flow based on a source device sending a packet.

•wherein the network flow is classified based on an address of the source device.

•wherein generating filters comprises analyzing network flow entering said first network device.

•wherein analyzing said network flow is performed by software. ("watchdog agent, bloodhound agents)

•selecting a class of network flows to analyze based on previously analyzed network flows. (col.15, line 18-col.16, line 45)

•wherein receiving filter information comprises using a filter propagation protocol.

(col.15, line 18-col.16, line 45) and

•wherein the filter propagation protocol is operable to create, remove, or modify existing filters. (col.15, line 18-col.16, line 45)

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-20, 22-24, 26, and 29-44 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 23, 2005

**JEFFREY PWU  
PRIMARY EXAMINER**